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October 23, 2019

Via Electronic Filing

The Honorable Judge Andrew L. Carter, Jr
U.S. District Court Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Seo v. I.P.T Name And Design Inc. et al*
Case No.: 19-cv-02202-ALC-JLC

Dear Honorable Judge Carter:

This law firm represents Defendants I.P.T Name and Design Inc. (d/b/a Tyche NYC), and Eun Chul Shin (a/k/a Chris Shin a/k/a Diego Shin) (together, the “**Defendants**”), in the above-referenced action.

Pursuant to Your Honor’s Order dated October 18, 2019 [*See* Dckt. No. 20], this letter respectfully serves as a response to Plaintiff’s October 8, 2019 Letter Motion [*See* Dckt. No. 19].

It is the undersigned’s understanding that the parties in the above-referenced action did not consummate a settlement that requires the Court’s security under *Cheeks v. Freeport Pancake House, Inc.*, because no consideration was exchanged for the voluntary dismissal made pursuant to FRCP Rule 41(a), and the dismissal was not made with prejudice. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 at 206 (2d Cir. 2015) (“Rule 41(a)(1)(A)(ii) stipulated dismissals settling FLSA claims *with prejudice* require the approval of the district court or the DOL to take effect”) (emphasis added).

As to the Plaintiff’s request for a Court-ordered conference with the participation of all of the Defendants, the Defendants respectfully object to this request because the instant action has been dismissed without prejudice to the commencement of another proceeding.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

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